

## REPORTS ANALYSIS REFERRAL

TO

OFFICE OF GENERAL COUNSEL

DATE: January 12, 2006

ANALYST: Katrina Senger

- I. COMMITTEE: Lockheed Martin Employees' Political Action  
Committee  
(C00303024)  
Mr. Stephen E. Chaudet, Treasurer  
1550 Crystal Drive, Suite 300  
Arlington, VA 22202
- II. RELEVANT STATUTE: 2 U.S.C. §434(b)(2)(A)  
11 C.F.R. §104.3(a)(2)(i)(A)  
11 C.F.R. §104.3(a)(2)(i)(B)
- III. BACKGROUND:

**Failure to Provide Supporting Schedules (Failure to Disclose All Financial Activity)**

Lockheed Martin Employees' Political Action Committee ("the Committee") filed an Amended 2003 December Monthly Report disclosing \$74,924.16 in additional receipts, an Amended 2003 Year End Report disclosing \$61,325.02 in additional receipts and an Amended 2004 April Quarterly Report disclosing \$57,947.49 in additional receipts (Attachment 2).

**2003 December Monthly Report**

On December 22 2003, a Reports Analysis Division ("RAD") Manager spoke with Tim Jenkins, the Committee's attorney, regarding the Committee's reports. Mr. Jenkins stated that the Committee is undergoing a Commission audit for the 2001-2002 election cycle and informed the RAD Manager that any electronic information submitted to the Commission may not be accurate. The RAD Manager advised the Committee to file the reports and amend them if there are any changes to math figures. In addition to other matters discussed, the RAD Manager advised the Committee to file the past due 2003 December Monthly Report (Attachment 3).

On December 24, 2003, the Committee filed an original 2003 December Monthly Report covering the period from November 1, 2003 to November 30, 2003. This report disclosed \$50,461.42 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$14,856.64 in receipts on Line 11(a)(ii) (Unitemized Contributions

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from Individuals/Persons Other Than Political Committees) and \$0.00 in receipts on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 23992565905).

On April 6, 2004, the Committee filed an Amended 2003 December Monthly Report covering the period from November 1, 2003 to November 30, 2003. The amended report disclosed \$110,370.04 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$29,818.51 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees) and \$0.00 in receipts on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 24990922301).

On July 13, 2005, a Request for Additional Information ("RFAI") was sent to the Committee referencing the 2004 Amended December Monthly Report received April 6, 2004. The RFAI asked for clarification regarding the \$74,870.49 in additional receipts that were not disclosed on the Committee's original 2003 December Monthly Report (Image 25038834856).

On September 27, 2005, the Committee filed an Amended 2003 December Monthly Report covering the period from November 1, 2003 to November 30, 2003. The amended report disclosed \$110,686.04 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$29,502.51 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees) and \$53.67 in receipts on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 25971093707).

On November 8, 2005 the Committee filed another Amended 2003 December Monthly Report covering the period from November 1, 2003 to November 30, 2003. The amended report disclosed \$110,470.04 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$29,718.51 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees) and \$53.67 in receipts on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 25971444293).

### **2003 Year End Report**

On December 22 2003, a Reports Analysis Division ("RAD") Manager spoke with Tim Jenkins, the Committee's attorney, regarding the Committee's reports. Mr. Jenkins stated that the Committee is undergoing a Commission audit for the 2001-2002 election cycle and informed the RAD Manager that any electronic information submitted to the Commission may not be accurate. The RAD Manager advised the Committee to file the reports and amend them if there are any changes to math figures. In addition to other matters discussed, the RAD Manager verified that the 2003 Year End Report was due on January 31, 2004 (Attachment 3).

On January 30, 2004, the Committee filed its 2003 Year End Report covering the period from December 1, 2003 to December 31, 2003. This original report disclosed \$0.00 in receipts on Lines 11(a)(i)(Itemized Contributions from Individuals/Persons Other than Political Committees), 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees) and \$0.00 in receipts on line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 24990315959).

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On April 6, 2004, the Committee filed an Amended 2003 Year End Report covering the period from December 1, 2003 to December 31, 2003. The amended report disclosed \$47,530.75 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$13,695.54 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees) and \$0.00 in receipts on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 24990924549).

On June 29, 2005, an RFAI was sent to the Committee referencing the 2003 Amended Year End Report, received April 6, 2004. The RFAI asked for clarification regarding the \$61,226.29 in additional receipts that were not disclosed on the Committee's original 2003 Year End Report (Image 25038830896).

On September 27, 2005, the Committee filed an Amended 2003 Year End Report covering the period from December 1, 2003 to December 31, 2003. The amended report disclosed \$47,711.49 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$13,514.80 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees) and \$98.73 on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 25971094069).

On November 8, 2005, the Committee filed another Amended 2003 Year End Report covering the period from December 1, 2003 to December 31, 2003. The amended report disclosed \$47,610.75 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$13,615.54 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees) and \$98.73 on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 25971444674).

#### **2004 April Quarterly Report**

On April 15, 2004, the Committee filed its 2004 April Quarterly Report covering the period from January 1, 2004 to March 31, 2004. This original report disclosed \$38,999.13 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$112,259.21 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees) and \$0.00 in receipts on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 24991008262).

On July 15, 2004, the Committee filed an amended 2004 April Quarterly Report covering the period from January 1, 2004 to March 31, 2004. This report disclosed \$82,325.37 in receipts on Line 11(a)(i) (Itemized Contributions from Individuals/Persons Other than Political Committees), \$126,568.42 in receipts on Line 11(a)(ii) (Unitemized Contributions from Individuals/Persons Other Than Political Committees) and \$312.04 in receipts on Line 17 (Other Federal Receipts) of the Detailed Summary Page (Image 24971332097).

On August 12, 2004, the Committee filed two Amended 2004 April Quarterly Reports covering the period from January 1, 2004 to March 31, 2004. The amended reports disclosed no change in the amount of receipts made by the Committee (Images 24962084051 and 24962084534).

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On June 29, 2005, an RFAI was sent to the Committee referencing the 2004 Amended April Quarterly Report, received August 12, 2004. The RFAI asked for clarification regarding the \$57,947.49<sup>1</sup> in additional receipts that were not disclosed on the Committee's original 2004 April Quarterly Report (Image 25038830899).

On July 26, 2005, the Committee filed a miscellaneous electronic submission responding to the RFAI sent on June 29, 2005 referencing the additional receipts disclosed on the 2004 Amended April Quarterly Report. The Committee stated, "The increased receipt amounts were a result of corrections made in the receipts records during the FEC audit performed on years 2001 and 2002. Receipts data files were not imported to the database for December 2003, January, February and March 2004 until the FEC audit was well underway and the accuracy of the files was verified." (Image 25970778932).

On September 27, 2005 the Committee filed an Amended 2004 April Quarterly Report covering the period from January 1, 2004 to March 31, 2004. The Amended report disclosed no change in the amount of receipts made by the Committee (Image 25971094436).

On September 29 2005, a Reports Analysis Division ("RAD") analyst called the Committee regarding the Committee's possible referral to the Office of General Counsel ("OGC"). The Analyst spoke with Zach Sherman, the Committee contact. The Analyst advised Mr. Sherman that the matter of the increase in receipts disclosed on the Amended 2003 December Monthly Report, Amended 2003 Year End Report and Amended 2004 April Quarterly Report was referable to OGC. The Analyst also advised Mr. Sherman to provide any additional details explaining this apparent increase in receipts (Attachment 3).

On October 4, 2005, the Committee filed a miscellaneous electronic submission which stated, "After the termination of the PAC Manager in late 2003, and while the FEC audit was being conducted, at the suggestion of Commission auditors LMEPAC filed reports in a timely manner but with knowledge that these filings would need to be amended with corrections obtained from the audit discoveries<sup>2</sup>. Variations in these amendment filings in receipts and disbursements represent corrections made to 2001, 2002, and 2003 which affected balances carried forward into 2004 and 2005. The changes result from the following types of corrected entries: bank interest and fees which were omitted from the original filings, employee check contributions which were never entered to the database though were deposited to the bank at that time, and entries of unauthorized disbursements..... Also the original 2003 FEC filings contained mismatching period and year cumulative totals." The Committee further stated, "The LMEPAC database was converted to a more integrated software vendor in 2004 so all report totals now tally correctly in the amendment filings." (Image 25971103114)

On October 18, 2005, the RAD analyst spoke with representatives of the Committee via a teleconference call. The Analyst advised these representatives to submit any additional information concerning the OGC referable matters for the public record. Mr. Tim Jenkins, attorney for the Committee, stated that there was no additional information regarding the

<sup>1</sup> The RFAI did not reference Line 17 (Other Federal Receipts); however, the actual amount of the increase on Line 17 (\$312.04) was included in the total amount of additional receipts referenced.

<sup>2</sup> The Party/Non-Party Branch Chief consulted with the lead auditor regarding the Committee's claim that its failure to disclose activity in the original reports referenced within this referral was a result of the audit discoveries for the 2001-2002 election cycle. The lead auditor stated that the audit only covered activity in 2001 and 2002 and that no guidance was provided to the Committee on activity pertaining to the 2003-2004 election cycle.

referable matters beyond what had been previously disclosed on the public record in the miscellaneous electronic submission filed on October 4, 2005 (Attachment 3).

On November 8, 2005 the Committee filed an Amended 2004 April Quarterly Report covering the period from January 1, 2004 to March 31, 2004. The amended report disclosed no change in the amount of receipts made by the Committee (Image 25971445125).

To date, no further communication has been received from the Committee regarding these matters.

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## FEDERAL ELECTION COMMISSION

DATE 1/12/2006  
OGC INDEX - (0) (2003-2004)

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JACKHEED MARTIN EMPLOYEES' POLITICAL ACTION COMMITTEE

Stephen Mr. Chaudet

1550 Crystal Drive

Arlington

NON-PARTY QUALIFIED  
VA 22202

ID #C00303024

FILING FREQUENCY: QUARTERLY

FORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
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1		A		2/24/2004	4	24990656890						
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1		A		8/24/2004	5	24962269961						
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MS		T		12/24/2003	2	23992565901						
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MS		M		1/27/2004	1	24990183248						
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MS		O		5/18/2004	2	24038413020						
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MS		T		5/27/2004	1	24961495718						
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MS		T		6/14/2004	6	24038425036						
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MS		T		6/22/2004	3	24038431722						
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MS		T		9/28/2004	1	24971593546						
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MS		T		10/19/2004	1	24971764938						
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RQ		7		4/09/2003	2	23038051786	2/01/2003	2/28/2003				
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RQ	M2	7		3/12/2003	2	23038013192	1/01/2003	1/31/2003				
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RQ	Q1	5		6/13/2003	2	23038104086	1/01/2003	3/31/2003				
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RQ	M5	7		6/06/2003	2	23038102177	4/01/2003	4/30/2003				
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RQ	M6	7		7/10/2003	2	23038132429	5/01/2003	5/31/2003				
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RQ	Q2	2		11/26/2003	4	23038243707	4/01/2003	6/30/2003				
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RQ	M8	2		5/05/2004	3	24038402863	7/01/2003	7/31/2003				
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RQ	M8	7		9/09/2003	2	23038201814	7/01/2003	7/31/2003				
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RQ	M9	7		10/10/2003	2	23038222220	8/01/2003	8/31/2003				
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RQ	M11	7		12/10/2003	2	23038251490	10/01/2003	10/31/2003				
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RQ	M12	2		5/05/2004	3	24038402866	11/01/2003	11/30/2003				
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RQ	M12	2		7/13/2005	3	25038834856	11/01/2003	11/30/2003				
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RQ	YE	2		5/12/2004	5	24038410146	12/01/2003	12/31/2003				
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RQ	YE	2		6/29/2005	3	25038830896	12/01/2003	12/31/2003				
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RQ	Q1	2		9/22/2004	3	24038521594	1/01/2004	3/31/2004				
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OCKHEED MARTIN EMPLOYEES' POLITICAL ACTION COMMITTEE  
Stephen Mr. Chaudet  
1550 Crystal Drive  
FILING FREQUENCY: QUARTERLY

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Arlington VA 22202  
ID #C00303024

ORR TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES	BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
RQ	Q1	2		6/29/2005	3	25038830899	1/01/2004 3/31/2004					
RQ	Q2	2		10/06/2004	4	24038531944	4/01/2004 6/30/2004					
RQ	Q2	2		6/29/2005	3	25038830893	4/01/2004 6/30/2004					
3	Q1	N	P	4/18/2003	212	23990795415	1/01/2003 3/31/2003	13810	186673	147752	52731	0
3	Q1	A	P	9/27/2005	105	25971092586	1/01/2003 3/31/2003	1236-	186911	147752	37922	0
3	Q2	N	P	7/21/2003	552	23991533567	4/01/2003 6/30/2003	52731	185364	253906	15810-	0
3	Q2	A	P	7/21/2003	555	23991537363	4/01/2003 6/30/2003	52731	190910	253906	10264-	0
3	Q2	A	P	9/27/2005	246	25971092691	4/01/2003 6/30/2003	37922	198407	254906	18575-	0
3	Q2	A	P	11/08/2005	242	25971443078	4/01/2003 6/30/2003	37922	190910	254906	26073-	0
3	M8	N	P	12/24/2003	198	23992564824	7/01/2003 7/31/2003	10264-	73944	59304	4375	0
3	M8	A	P	9/27/2005	202	25971092937	7/01/2003 7/31/2003	18575-	73965	66998	11609-	0
3	M8	A	P	11/08/2005	201	25971443320	7/01/2003 7/31/2003	26073-	73965	66998	19106-	0
3	M9	N	P	12/24/2003	198	23992565022	8/01/2003 8/31/2003	4375	61706	1000	65082	0
3	M9	A	P	9/27/2005	203	25971093139	8/01/2003 8/31/2003	11609-	61725	10041	40075	0
3	M9	A	P	11/08/2005	202	25971443575	8/01/2003 8/31/2003	19106-	61725	10041	32577	0
3	M10	N	P	12/24/2003	650	23992565220	9/01/2003 9/30/2003	65082	134744	104450	95377	0
3	M10	A	P	9/27/2005	343	25971093343	9/01/2003 9/30/2003	40075	136646	107471	69249	0
3	M10	A	P	11/08/2005	342	25971443817	9/01/2003 9/30/2003	32577	136646	107471	61752	0
3	M11	N	P	12/24/2003	16	23992565870	10/01/2003 10/31/2003	95377	0	39710	55667	0
3	M11	A	P	9/27/2005	19	25971093686	10/01/2003 10/31/2003	69249	43	46733	22559	0
3	M11	A	P	11/08/2005	19	25971444164	10/01/2003 10/31/2003	61752	43	46733	15062	0
3	M12	N	P	12/24/2003	356	23992565903	11/01/2003 11/30/2003	55667	65318	9304	111681	0
3	M12	A	P	4/06/2004	2110	24990922299	11/01/2003 11/30/2003	57710	140188	9304	188595	0
3	M12	A	P	9/27/2005	362	25971093705	11/01/2003 11/30/2003	22559	140242	12013	150788	0
3	M12	A	P	11/08/2005	360	25971444291	11/01/2003 11/30/2003	15062	140242	12013	143290	0
3	YE	N	P	1/30/2004	6	24990315957	12/01/2003 12/31/2003	111681	0	256	111425	0
3	YE	A	P	4/06/2004	1434	24990924547	12/01/2003 12/31/2003	188595	61226	256	249565	0
3	YE	A	P	9/27/2005	367	25971094067	12/01/2003 12/31/2003	150788	61325	1090	211023	0
3	YE	A	P	11/08/2005	366	25971444672	12/01/2003 12/31/2003	143290	61325	1090	203525	0
3	Q1	N	P	4/15/2004	186	24991008260	1/01/2004 3/31/2004	294577	151258	182407	263428	0

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OCKHEED MARTIN EMPLOYEES' POLITICAL ACTION COMMITTEE  
., Stephen Mr. Chaudet  
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NON-PARTY QUALIFIED  
VA 22202

ID #C00303024

ORM TYPE	RPT TYPE	AI	PGI	REC DATE	PGS	BEG IMAGE	COVERAGE DATES		BEG CASH	RECEIPTS	DISBURSE	END CASH	DEBTS BY
3	Q1	A	P	7/15/2004	103	24971332095	1/01/2004	3/31/2004	294577	209205	182647	321135	0
3	Q1	A	P	8/12/2004	104	24962084049	1/01/2004	3/31/2004	294577	209205	184647	319135	0
3	Q1	A	P	8/12/2004	104	24962084532	1/01/2004	3/31/2004	294577	209205	183647	320135	0
3	Q1	A	P	9/27/2005	104	25971094434	1/01/2004	3/31/2004	211023	209205	183647	236581	0
3	Q1	A	P	11/08/2005	104	25971445123	1/01/2004	3/31/2004	203525	209205	183647	229084	0
3	Q2	N	P	7/15/2004	282	24991219621	4/01/2004	6/30/2004	321135	221960	287650	255445	0
3	Q2	A	P	8/12/2004	287	24962084172	4/01/2004	6/30/2004	321135	237766	289650	269252	0
3	Q2	A	P	8/12/2004	287	24962084903	4/01/2004	6/30/2004	320135	237766	287650	270252	0
3	Q2	A	P	9/27/2005	287	25971094538	4/01/2004	6/30/2004	236581	237766	287650	186698	0
3	Q2	A	P	11/08/2005	287	25971445227	4/01/2004	6/30/2004	229084	237766	287785	179065	0
3	Q3	N	P	10/14/2004	280	24962453209	7/01/2004	9/30/2004	270252	235152	72728	432676	0
3	Q3	A	P	3/29/2005	280	25990330862	7/01/2004	9/30/2004	270252	235152	72728	432676	0
3	Q3	A	P	9/27/2005	279	25971094825	7/01/2004	9/30/2004	186698	235152	72728	349122	0
3	Q3	A	P	11/08/2005	279	25971445515	7/01/2004	9/30/2004	179065	235152	72818	341399	0
3	12G	N	P	10/21/2004	385	24962656364	10/01/2004	10/13/2004	432676	192386	151170	473893	0
3	12G	A	P	3/29/2005	384	25990330942	10/01/2004	10/13/2004	432676	192386	151170	473893	0
3	12G	A	P	9/27/2005	384	25971095104	10/01/2004	10/13/2004	349122	192386	151170	390339	0
3	12G	A	P	11/08/2005	384	25971445958	10/01/2004	10/13/2004	341399	192386	151170	382616	0
3	30G	N	P	11/30/2004	388	24971947947	10/14/2004	11/22/2004	473893	109564	199000	384458	0
3	30G	A	P	10/04/2005	388	25980630843	10/14/2004	11/22/2004	390339	109559	199000	300899	0
3	30G	A	P	11/08/2005	389	25971446342	10/14/2004	11/22/2004	382616	109559	199063	293112	0
3	YE	N	P	1/25/2005	392	25980328980	11/23/2004	12/31/2004	384453	95310	0	479764	0
3	YE	A	P	10/04/2005	392	25980631231	11/23/2004	12/31/2004	300899	95310	0	396209	0
3	YE	A	P	11/08/2005	393	25971446953	11/23/2004	12/31/2004	293112	95310	19	388403	0
TOTAL										1931145	1541506		

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FEDERAL ELECTION COMMISSION

DATE 1/12/2006  
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JOCKHEED MARTIN EMPLOYEES' POLITICAL ACTION COMMITTEE  
Stephen Mr. Chaudet  
1550 Crystal Drive  
FILING FREQUENCY: QUARTERLY

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Arlington VA 22202  
ID #C00303024

FORM TYPE RPT TYPE AI PGI REC DATE PGS BEG IMAGE COVERAGE DATES BEG CASH RECEIPTS DISBURSE END CASH DEBTS BY

MS				T		7/26/2005	1	25970778932									
MS				T		10/04/2005	1	25971103114									
3	MY	N	P			7/26/2005	354	25970776688	1/01/2005	6/30/2005	479764	462538	483560	458742		0	
3	MY	A	P			8/23/2005	354	25980623415	1/01/2005	6/30/2005	479764	462538	483560	458742		0	
3	MY	A	P			10/04/2005	354	25980631657	1/01/2005	6/30/2005	396209	462538	483560	375188		0	
3	MY	A	P			11/08/2005	354	25971447542	1/01/2005	6/30/2005	388403	462538	483560	367382		0	
TOTAL												462538	483560				

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**Lockheed Martin Employees' Political Action Committee (C00303024)**

**2003 December Monthly Report/Amended 2003 December Monthly Report  
Overview of Receipt Variance**

Report Line	Original 2003 December Monthly Report, Received 12/24/2003 (Image 23992565903)	Amended 2003 December Monthly Report, Received 11/8/2005 (Image 25971444291)	Receipt Variance
11(a)(i)	\$50,461.42	\$110,470.04	\$60,008.62
11(a)(ii)	\$14,856.64	\$29,718.51	\$14,861.87
17	\$0.00	\$53.67	\$53.67

**2003 Year End Report/Amended 2003 Year End Report  
Overview of Receipt Variance**

Report Line	Original 2003 Year End Report, Received 01/30/2004 (Image 24990315957)	Amended 2003 Year End Report, Received 11/08/2005 (Image 25971444672)	Receipt Variance
11(a)(i)	\$0	\$47,610.75	\$47,610.75
11(a)(ii)	\$0	\$13,615.54	\$13,615.54
17	\$0	\$98.73	\$98.73

**2004 April Quarterly Report/Amended 2004 April Quarterly Report  
Overview of Receipt Variance**

Report Line	Original 2004 April Quarterly Report, Received 04/15/2004 (Image 24991008260)	Amended 2004 April Quarterly Report, Received 08/12/04, (Image 24962084049)	Receipt Variance
11(a)(i)	\$38,999.13	\$82,325.37	\$43,326.24
11(a)(ii)	\$112,259.21	\$126,568.42	\$14,309.21
17	\$0	\$312.04	\$312.04